

REMARKS

This amendment is submitted with a Request for Continued Examination and appropriate fees in reply to the Office Action dated June 5, 2008. Claims 1-18 currently stand rejected. Applicant has amended independent claims 1, 10 and 18 to more particularly distinguish the claimed invention from the cited references. Newly added claims 19-24 have been added to further define patentable aspects of the invention. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §112

Claims 1, 10 and 18 currently stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that the recited feature “without further user interaction beyond selecting the pre-studied downloadable content for storage” is not described in the specification in a way such as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. Applicant respectfully disagrees.

In this regard, the quoted phrase above modifies a step related to the handling of payment for a pre-studied downloadable content item for enabling storing of the pre-studied downloadable content for the software application without further user interaction beyond selecting the pre-studied downloadable content for storage. Thus, the quoted phrase relates to handling payment for content by simply selecting the content to be saved or stored. Applicant respectfully submits that the specification provides ample support for this feature and also submits that one of skill in the art would appreciate as much.

The Examiner has referred to a single portion of the specification (page 2, lines 5-11) and taken the disclosure thereat somewhat out of context to arrive at the conclusion that the present application requires an extra step of having the user approve payment after electing to purchase an item for downloading. However, the operation of approving payment in the cited passage is given implicitly with the command to save the content. The operation of saving the content is

discussed in detail in reference to the embodiment of FIG. 3, with details added in connection to FIGS. 5 and 6. As such, support for the claimed feature is provided at numerous other locations in the specification and drawings.

In this regard, for example, paragraph [0021] of the present application as published describes an agreement made beforehand between the user and the content provider. Paragraph [0023] describes simultaneously sending a query for available content from the provider with a query sent to an account server to check if the user has funds to pay for the item. Paragraph [0024] states that once this information is available, a list of content items is displayed to the user and the user can request items for download (paragraph [0025]). Thus, based on the agreement and the fact that the account has already been checked, price information has been provided (paragraph [0023]) and the purchase transaction has already been initiated. Paragraph [0026] then further states that the user can accept an item after preview, if the user wants to save the item. After giving an instruction to save the item, the request for payment is sent and the account server is instructed to withdraw payment. Accordingly, it is clear that the approval for payment is given by the user by virtue of giving the “save” command.

Paragraph [0033] also states that once the user decides to save the item, the remote WAP site is instructed to handle the payment. Thus, Applicant respectfully submits that the user is not communicating with the WAP portal, but instead communicates with an application (paragraph [0026]) and the application in turn communicates with the WAP portal. Moreover, since the WAP portal is remote, the user would be unable to send any other approval to the WAP portal to handle. The description of FIG. 6, for example, relating to the various types of content described in paragraphs [0035] and following show no step of approving a purchase by any mechanism other than selecting an option to save the corresponding content. Accordingly, Applicant respectfully submits that there is ample support for the above underlined recitation and the rejections of claims 1, 10 and 18 as failing to comply with the written description requirement are respectfully traversed.

Claim Rejections - 35 USC §103

Claims 1-18 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser et al. (U.S. Patent No. 6,868,403, hereinafter “Wiser”) in view of Sasaki et al (U.S. Patent Application Publication No. 2002/0077988, hereinafter “Sasaki”).

As indicated above, independent claims 1, 10 and 18 provide that handling of payment for enabling storing of pre-studied downloadable content for a software application is accomplished without further user interaction beyond selecting the pre-studied downloadable content for storage. In other words, merely in response to selection of the pre-studied content for storage, payment for the same content that was requested and pre-studied is handled automatically. As such, the election to save the content triggers payment for the content without further user interaction.

As described above and at page 6 of the present application, according to an exemplary embodiment, during a subscription agreement, the user may provide information that may be used to set up a secure session with content providers and an account service. The information may be stored in a SIM of the user's terminal and retrieved for session set up. The user's account status and validity are verified and a list of items from which the user can select are provided. As further described at page 7 of the present application, when the user selects to save a downloaded and previewed item, the session is seamlessly handled without further user interaction to draw payment from the user account and enable storing of the previewed item.

The Office Action asserts that Wiser discloses the above recited feature at col. 4, line 15 to col. 5, line 3 and col. 16, lines 48-64. Applicant respectfully disagrees with this assertion. The description of the purchase procedure of Wiser at col. 4, line 15 to col. 5, line 3 is not clear with respect to the details of the interaction for purchasing and authentication. Thus, the cited passage is silent with respect to whether a user interaction is required to complete the purchase. However, col. 14 of Wiser describes these operations in greater detail in reference to FIGS. 7 and 8. In this regard, col. 15, lines 39-45 of Wiser describes that a web browser page is displayed having a link to a preview of a desired media data file. Thus, it is clear that the user has already chosen specific content and the web browser page is displayed only for the chosen content item and the user has already selected a media data file. As the preview link is clicked, a request is invoked (col. 15, lines 43-45) and a media player eventually receives a stream of the preview,

which is played (col. 16, lines 3-5). The preview is of inferior quality and of a limited duration compared to the full quality media data file (col. 3, lines 60-65).

To purchase the media data file, the user clicks on a “Buy it” button (col. 16, lines 33-36). However, even if one were to assume that this action corresponded to the selection of an item for saving in the claimed invention, the disclosure of Wiser still falls short of the claimed invention since further interactions are required by the user in Wiser. In this regard, as described at col. 16, lines 48-54 of Wiser, a user has to complete a form giving information such as name, credit card number and expiration date. Alternatively, as described at col. 17, line 53 to col. 18, line 12, the user may utilize a wallet application instead of filling in the form. The wallet application may be opened and the user may select a “wallet button” displayed in a web page (col. 17, lines 56-57). The user then selects payment options (col. 17, lines 64-65) and a “pay button” (col. 18, line 1). The user then selects a “retrieve it” link if using the form embodiment and the media player prompts the user to input a passphrase that is associated with a passport (col. 18, lines 58-60). Thus, Wiser requires filling a form or clicking a wallet button and selecting a payment option and pay button. Wiser also requires selection of direction for retrieval and the provision of a passphrase to authenticate a purchase. Applicants respectfully submit that these additional actions clearly indicate Wiser’s failure to teach or suggest handling of payment for enabling storing of pre-studied downloadable content for a software application is accomplished without further user interaction beyond selecting the pre-studied downloadable content for storage as provided in independent claims 1, 10 and 18.

Sasaki does not provide details regarding how payment transactions are conducted. Thus, Sasaki fails to teach or suggest the above recited feature and is not cited as such.

Since neither Sasaki nor Wiser teaches or suggests the above described features of independent claims 1, 10 and 18, any combination of Sasaki and Wiser also fails to teach or suggest the above described features. Claims 2-9 and 11-17 (and new claims 19-24) depend either directly or indirectly from independent claims 1, 10 and 18, respectively, and thus include all the recitations of their respective independent claims. Thus, dependent claims 2-9 and 11-17 (and new claims 19-24) are patentable for at least the same reasons given above for independent claims 1, 10 and 18.

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Accordingly, for all the reasons stated above, Applicant respectfully submits that the rejections of claims 1-18 are overcome.

Newly Added Claims

Applicant has added new claims 19-24 to more particularly define aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application.

Accordingly, it is believed that the new claims are in condition for allowance.

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CONCLUSION

In view of the amendments and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON August 5, 2008.

LEGAL02/30889758v1